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facsimile transmittal

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To:	USPTO Mail Stop AF	From:	Brian D. Gildea, Reg. No. 39,995			
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Fax:	571-273-8300		E-Mail:	gildeabd@appliedbiosystems.com		
Date:	September 20, 2005		Pages:	32 (including cover sheet)		
Re:	Application No. 09/996,658 Date Filed: 11/29/2001 Confirmation No. 1634 Title: Methods and Compositions for Sorting and/or Determining Organisms Our Ref No. BP0002-US					

Attached is a Notice of Appeal (in duplicate), a Petition for Extension of Time (in duplicate) and a Response to Final Office Action relating to the above referenced patent application.

Please send confirmation of receipt to fax no. 508-383-7468.

Should you have any questions, please contact me at 508-383-7632.

Thank you.

Brian Gildea
Attorney of Record

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BP0002-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No: 09/996,658 Confirmation No.: 5256
Date Filed: November 29, 2001
Application Title: Methods And Compositions For Sorting And/Or
Determining Organisms
Applicants: Coull et al.
Group Art Unit: 1634
Examiner: Bradley L. Sisson
Action Date: April 20, 2005
Action Type: Second Office Action On Merits - FINAL

Certificate of Mailing Pursuant to:
37 C.F.R. §1.8

I hereby certify that this correspondence is being facsimile deposited (Fax No. 571-273-8300): Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of September, 2005.



Brian D. Gildea
Reg. No. 39,995

Reply To Office Action w/ Integrated Amendment

Commissioner for Patents
Dear Sir or Madam:

A petition under 37 C.F.R. § 1.136(a) for an automatic two-month extension of time to reply to the present office action has been included with the papers accompanying this submission so please consider the following response to the Office Action mailed on April 20, 2005.

BP0002-US

I. ACTION SUMMARY

Claims 1-59 stand pending in the application. Claims 51-59 stand withdrawn from consideration by the Examiner. Claims 1-50 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 1-50 also stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. No claim stands allowed.

II. FORMAL MATTERS

Because the present Office Action is final, a precautionary Notice of Appeal has been filed to preserve Applicants' rights in the event that this response fails to put the application in condition for allowance.